

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

TYSON CHRISTOPHER BIVINS,)	
)	
<i>Petitioner,</i>)	
)	
v.)	Nos.: 3:09-CR-013-TAV-HBG-1
)	3:11-CV-369-TAV-HBG
UNITED STATES OF AMERICA,)	
)	
<i>Respondent.</i>)	

JUDGMENT ORDER

In accordance with the accompanying Memorandum, petitioner's motion to amend is **DENIED**, the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED**, and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this Court hereby **DENIES** the petitioner leave to proceed in forma pauperis on appeal.

ENTER :

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Debra C. Poplin
CLERK OF COURT